

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.10323 OF 2004

Smt.Vatsalabai K.Tambe & Ors. ...Petitioners.

Vs.

Chimaji Bhimaji Tambe (deceased)

through LRs. Anjanabai

Genubhau Dumbare & Ors. ...Respondents.

.....

Mr.Vijay M.Vaghela for the Petitioners.

Mr.A.H.Palekar, AGP for Respondent No.13.

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CORAM : DR.D.Y.CHANDRACHUD, J.

April 28, 2005.

P.C. :

The Petitioners clearly have a remedy by way of Second Appeal against the impugned order dated 21st April 2004 which arose out of a decree in a suit for partition. Since the impugned order has been rendered in a First Appeal, it would be appropriate to dispose of the Petition reserving liberty to the Petitioners to adopt the appropriate proceedings in accordance with law. The Petition

is accordingly disposed of.